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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 JOHN MICHAUD,

11 Plaintiff,

Case No. 3:04-CV-00713-KJD (VPC)

12 v.

ORDER

13 JACKIE CRAWFORD, *et al.*,

14 Defendants.

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16 Presently before the Court for consideration are the Report and Recommendation (#34) of
17 Magistrate Judge Valerie P. Cooke entered January 25, 2006, recommending that Defendants'
18 Motion to Dismiss (#26) be granted and Plaintiff's Complaint (#4) dismissed without prejudice with
19 leave to re-file to allege only those claims that have been fully exhausted administratively. The
20 parties had ten (10) days from receipt to file objections to the Report and Recommendation. See 28
21 U.S.C. § 636(b)(1)(C). The time to file objections has passed and neither party has filed such.
22 Moreover, the Court has reviewed the record in this case in accordance with 28 U.S.C.
23 § 636(b)(1)(C) and Local Rule LR IB 3-2. The Court determines that the Report and
24 Recommendation of the United States Magistrate Judge entered January 25, 2006, should be
25 adopted.
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1 Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation (#34) of
2 Magistrate Judge Valerie P. Cooke entered January 25, 2006, is **APPROVED** and **ADOPTED**.

3 IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (#26) is **GRANTED**.

4 IT IS FURTHER ORDERED that Plaintiff's Complaint (#4) is **DISMISSED WITHOUT**
5 **PREJUDICE** with leave to re-file. Plaintiff shall have twenty (20) days from the entry of this order
6 to re-file his complaint alleging only those claims that have been fully exhausted administratively.

7 DATED this 7th day of March 2006.

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11 Kent J. Dawson
12 United States District Judge
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